

Application Serial No. 10/042,835
Reply to Office Action Dated October 7, 2003

REMARKS/ARGUMENTS

In view of the amendments made to the claims, and in view of the following remarks, entry of this amendment/response after final and reconsideration of the application are respectfully requested.

Initially, the Applicant would like to thank Examiner Tran for conducting an interview with the undersigned on January 6, 2003 concerning this application. In general, it was agreed during the interview that the application would be amended in the manner set forth herein which would place the application in condition for allowance. More specifically, the rejection presented on page 2 of the Office Action concerning the "non-puffed" limitation was discussed with the Examiner in relation to the original disclosure, including the examples provided in the written description and the drawings. Based thereon, the Examiner agreed to withdraw the prior rejection.

The Examiner has already indicated claims 11-50 to be allowable and has also indicated that claims 3 and 6 are deemed to be free of prior art. The Applicant agreed to accept the limitations of claims 3 and 6 at this time, while bringing to the attention of the Examiner a possible discrepancy with the claim language of claim 6 verses that of claims 2 and 5. That is, each of claims 2 and 5 concerns forming a layer of a continuous sheet, with claim 5 specifying each layer being fabricated from a continuous sheet, while claim 6 states that each layer is fabricated from at least two flakes. Obviously, these limitations are mutually exclusive. It was therefore agreed that, when placing claim 6 in independent form by combining the subject matter of claims 2, 4, 5 and 6 into independent claim 1, it would be specified that one cereal layer forms a first major exterior face and a second cereal layer forms an opposing second major exterior face, with each of the one and second cereal layers being fabricated from a continuous sheet layer while multiple intermediate layers are each fabricated from at least two flakes wherein at least a portion of at least one intermediate dough layer is delaminatable from an adjacent layer. Therefore, in essence, the wording of claim 5 has been amended to refer back to the cereal layers referenced in claim 4 and claim 6 is concerned with multiple intermediate

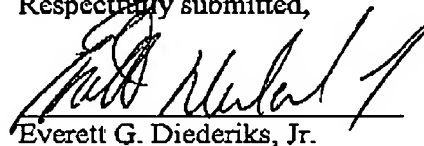
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layers. Of course, as claim 1 requires anywhere from 4 to 20 cereal layers, only certain multiple intermediate layers need be fabricated from at least two flakes, while other intermediate layers could be fabricated from multiple flakes or a continuous sheet layer. In any event, this claim as presented is certainly more specific than independent claim 3, which has also been placed in independent form to include the limitations of claims 1 and 2 so as to be clearly allowable.

Based on the changes made to establish these new independent claims, the dependencies of claims 4, 7, 9 and 10 have been correspondingly changed. In addition, the preamble of claim 7 has been modified for consistency purposes.

Based on the indication of allowable subject matter in this application, the manner in which the claims have been amended and the agreements reached with the Examiner during the interview conducted in this case, it is respectfully submitted that the Applicant has clearly placed the entire application in condition for allowance by this amendment/response such that entry of the amendment/response after final, allowance of the claims and passage of the application to issue are respectfully requested. If the Examiner should have any additional concerns regarding the allowance of this application, she is cordially invited to contact the undersigned at the number provided below if it would further expedite the prosecution.

Respectfully submitted,



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